

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-208574

DATE: May 23, 1983

MATTER OF: Roach Manufacturing Corp.

DIGEST:

1. Agency's finding that protester's proposal was technically unacceptable is reasonable where protester merely submitted a list of equipment and nearly verbatim restatements of solicitation performance requirements in response to requirement that proposals specifically identify each item of offered equipment and provide complete technical data showing capacity and characteristics of the equipment and describe the operational sequence of the system. Protester's system also exceeded the space limitations stated in the solicitation.
2. Agency's finding that awardee's proposal was technically acceptable was reasonable where, as solicitation required, it described characteristics of proposed equipment, included descriptive literature, and provided an individualized operational sequence. Awardee's failure to fully detail its approach to peripheral requirements was not sufficient to render its proposal technically unacceptable, since solicitation clearly emphasized proposed equipment, not peripheral requirements.

Roach Manufacturing Corporation (Roach) protests the proposed award of a contract to Allied Automation Systems (Allied) for an automatic tire handling, stretch wrapping and transportation system, under a two-step, formally advertised solicitation, No. DAAG47-82-B-0089, issued by the Red River Army Depot (Army), Texarkana, Texas.

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Roach disputes the Army's finding that its proposal submitted in response to step one was technically unacceptable. Roach also claims that Allied's proposal should have been found technically unacceptable.

We deny the protest.

The step-one solicitation admonishes offerors to submit proposals that are clearly acceptable without further explanation or information, since the Army might make a final determination of technical acceptability based on initial proposals and might proceed to the second step on that basis. The solicitation stated further that additional information may be requested from offerors whose proposals are reasonably susceptible of being made acceptable through clarifications or supplementing information that does not basically change the proposal.

The solicitation also states that technical proposals must include complete descriptive and dimensional data, including capacities and characteristics of all components of the proposed system. Failure to specifically identify each item of offered equipment and provide complete technical data will result in the proposal being found "nonresponsive." Also, the operational sequence of the system must be fully described in the proposal.

The Army received three technical proposals in response to the first-step solicitation. Two were found to be reasonably susceptible of being made acceptable; Roach's proposal was found to be technically unacceptable. The Army held discussions with the two offerors whose proposals were deemed susceptible of being made acceptable, and their revised proposals were deemed acceptable. The step-two solicitation was issued to those firms and, upon bid opening, Allied's bid was found to be low. The Army has not yet awarded the contract.

The Army found Roach's technical proposal unacceptable because, in direct contravention of the solicitation requirement, it did not provide a complete description of the items of equipment offered with technical data for each item other than for conveyors. Additionally, according to the Army, Roach's proposal did not provide an adequate

description of its proposed operational sequence, as required by the solicitation. The Army asserts that, as its proposal response to both of these requirements, Roach merely copied the solicitation verbatim. According to the Army, Roach's proposed system layout extends 16 feet beyond the space allocated to the system, which would place equipment in another operational area. Also, its proposed system omits a required holding area for wrapped tires. The Army contends that Roach's proposal was so deficient that nothing short of a complete rewriting could make it technically acceptable.

Roach admits that the description of the capacity and characteristics of its system components other than the conveyors and the description of its operational sequence were essentially restatements of the solicitation requirements with minor changes. Roach contends that those restatements, in conjunction with a list of its equipment on a drawing submitted with its proposal, are sufficient information to make its proposal reasonably susceptible of being made acceptable. Additionally, Roach admits that its system exceeds the solicitation's space requirements, but claims that the problem was caused by the solicitation requirement for 60 feet of accumulation on the loading dock. According to Roach, in order to have 60 feet of accumulation at all points on the loading dock, the system must extend further into the warehouse than the solicitation requires. If the system is limited to the stated space requirements, then there will be 60 feet of accumulation only at the far end of the loading dock. Roach also alleges that its proposal contained a cover sheet with a paragraph stating that Roach realizes that its system exceeds the space limitations but that it can be revised to meet the limitations.

The evaluation of technical proposals is a matter within the discretion of the contracting activity, since it is responsible for defining its needs and the best method for accommodating them. Health Management Systems, B-200775, April 3, 1981, 81-1 CPD 255. An offeror must demonstrate affirmatively the merits of its proposal and it runs the risk of proposal rejection if it fails to do so clearly. Centurion Films, Inc., B-205570, March 25, 1982,

82-1 CPD 285. In reviewing an agency's technical evaluation, we will not evaluate the proposal de novo, but will only examine the agency's evaluation to ensure that it had a reasonable basis. Auto Paint Specialist, Inc., dba K & K Truck Painting, B-205513, June 21, 1982, 82-1 CPD 609. Additionally, the protester has the burden of showing that the agency's evaluation was not reasonable. Coherent Laser Systems, Inc., B-204701, June 2, 1982, 82-1 CPD 517.

We find that the Army's determination that Roach's proposal was technically unacceptable is reasonable. We fail to see how a list of equipment in conjunction with a nearly verbatim repetition of performance requirements satisfies the solicitation requirements for descriptions, technical data and operational sequence of the proposed system. Based on that information, the Army had no way of knowing what equipment Roach was proposing to meet the requirements and could not evaluate Roach's proposed system against the solicitation requirements. Proposals that are basically verbatim restatements of solicitation requirements are generally not acceptable. See e.g. PRC Computer Center, Inc., 55 Comp. Gen. 60 (1975), 75-2 CPD 35. We agree with the Army's assessment that a completely rewritten proposal would have been necessary in order for Roach's proposal to have been considered technically acceptable.

Concerning the matter of Roach exceeding the space limitation stated in the solicitation, the Army asserts that the Roach proposal that it received did not include the cover sheet referred to by Roach. Also, the Army contends that the space limitation in the solicitation makes it clear that the requirement for 60 feet of accumulation refers only to maximum accumulation at the extreme end of the loading dock.

Again, we find the Army's determination to be reasonable. A solicitation must be read as a whole and in a manner that gives effect to all provisions of the solicitation. If a provision can be interpreted in two ways, one of which is consistent with other solicitation provisions and one of which conflicts, the consistent reading is preferred. Target Corporation, B-205283.2, August 24, 1982, 82-2 CPD 170. Here, the Army's reading of the accumulation

requirement and the system space limitation gives effect to both provisions in a consistent manner. Consequently, we find it to be correct. We must assume that the Army did not receive the cover sheet. In any event, Roach's proposal deviated from the space limitation requirement and Roach took the chance that it would not be given an opportunity to revise its proposal in this regard.

Roach also argues that Allied's proposal should have been rejected as technically unacceptable because it proposed 60 feet of accumulation at only one position on the loading dock, because it provided the same type of descriptions of capacity and characteristics of its system that the Army found lacking in Roach's proposal, and because its proposal did not fully address a number of peripheral specification requirements.

Concerning Allied's approach to the 60 feet of accumulation, we have already found, above, that the Army's interpretation of the solicitation requirement was reasonable. Consequently, Allied's proposed solution, which is consonant with the Army's interpretation, is acceptable. Allied's proposal, unlike Roach's, did not merely restate the solicitation requirements, but included a description of each item of proposal equipment, an operational sequence and a drawing keyed to those descriptions, and descriptive literature. We find that the Army's determination that Allied was technically acceptable was reasonable. Also, while Roach argues that Allied's proposed tire wrapper did not have a hydraulic raising device, even if that allegation is accepted, it would not be a sufficient defect to render Allied's proposal technically unacceptable.

Finally, Roach argues that because Allied stated for a number of requirements such as compressed air and paint finish that it would meet the requirements, its proposal is unacceptable. We note that Roach's proposal did no more than provide a verbatim copy of the requirement in each instance. We see little difference between the two approaches and neither was downgraded technically. While these items are contract requirements, the solicitation clearly emphasized the descriptions of the system components and the operational sequence. A brief, general response was apparently acceptable for the peripheral requirements, but not for the major ones. Again, we find the Army's evaluation to be reasonable.

Protest denied.

for *Harry R. Van Cleave*
Comptroller General
of the United States